

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

GEORGE BERNARD CLEMENTS, et al.,
Plaintiffs,
v.
MILOUS JAMES IVORY,
Defendant.

Case No. [24-cv-03312-AMO](#)

**ORDER GRANTING
MOTION TO REMAND**

Re: Dkt. No. 3

Before this Court is Plaintiff George Bernard Clements, Jr.'s ("Clements") unopposed motion to remand. ECF 3. This is the second attempted removal of this case by Defendant Milous James Ivory ("Ivory"). The Court hereby **GRANTS** the instant motion to remand for the following reasons.

On December 8, 2023, the Court granted Clements' unopposed motion to remand in *Clements v. Ivory et al.*, 23-cv-5202 ("*Clements I*") and remanded the case to the Superior Court in the County of San Francisco. *Clements I*, ECF 22. The Court explained that removal was untimely, and Ivory failed to identify any federal question in the notice of removal. *Id.* at 2. On June 3, 2024, Ivory again filed a notice of removal alleging federal question jurisdiction. *Clements v. Ivory et al.*, 24-cv-3312 ("*Clements II*"). ECF 1. The Court related the two cases on July 10, 2024, having determined that Ivory sought to remove the same case a second time. *Clements I*, ECF 26.


In the second notice of removal, Ivory submits a nearly identical notice. Instead of attaching Plaintiff's complaint, Ivory attaches his answer to Plaintiff's complaint and Superior Court Judge John P. Devine's order denying Ivory's petition for judicial disqualification of Judge Charles F. Haines. *Clements II*, ECF 1. Ivory asserts that Judge Haines "failed to sign at least one

1 order pertaining to the federal immigration issues.” *Id.* at 2. There are no federal immigration
2 issues alleged in Plaintiff’s complaint, and the Court cannot determine what Ivory is referencing.
3 *See Clements I*, ECF 1 at 8-30. Ivory has again failed to identify any federal question and filed no
4 opposition to the motion to remand.

5 For the same reasons previously stated by this Court in *Clements I*, the Court **GRANTS**
6 Plaintiff’s motion to remand. The Court **SHALL** transmit the file to the Superior Court of the
7 State of California, County of San Francisco and close the case.

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10 **IT IS SO ORDERED.**

11 Dated: July 15, 2024

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14 **ARACELI MARTÍNEZ-OLGUÍN**
15 **United States District Judge**
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